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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventors: Kenichi MIYOSHI, et al. Art Unit: 2685  
Application No.: 10/088,053  
Filed: March 14, 2002  
For: RADIO RECEIVING APPARATUS AND RADIO RECEIVING METHOD

RESPONSE TO RESTRICTION REQUIREMENT

RECEIVED

Assistant Commissioner of Patents  
Washington, DC 20231

AUG 19 2004

Technology Center 2600

Sir:

In response to the Restriction Requirement of July 14, 2004, Applicants hereby elect Group I, Claims 1-7 and 10-11 drawn to a radio receiving apparatus (or a module) and its method, communication terminal apparatus having a radio receiving apparatus as in claim 1 or claim 3, with traverse.

The Applicants submit that the restriction requirement should be withdrawn because claims 8 and 9 are directed to base station apparatus having radio receiving apparatus as in claim 1 or claim 3, respectively.

Applicants respectfully request withdrawal of the Restriction Requirement for the following further reasons.

No unduly extensive or burdensome search would be required to examine the various claims of the noted Groups in the same application.

MPEP §803 states:

"If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits even though it includes claims to distinct or

independent inventions." (Emphasis  
added)

In the present case, the search for all pending claims together would not be burdensome.

Moreover, from the standpoint of costs to the Applicants involved in filing, issuance and maintenance fees relating to separate applications if the present Restriction Requirement is maintained, it is clear that there is substantially more burden on Applicants by imposing the present Requirement than on the Patent Office if the Requirement were withdrawn.

In addition, it is noted that to require the claims of the various Groups to issue in separate patents would result in inconvenience to the public by necessitating reference to more than one patent during searching, to review closely related subject matter.

Therefore, withdrawal of the Restriction Requirement is warranted.

Reconsideration and withdrawal of the Restriction Requirement are respectfully requested.

Respectfully submitted,



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Date: August 16, 2004

JEL/spp  
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